

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Richard Burdge

1 Michael Freiman, Esq. (SBN 280716)
2 Law Office of Michael Freiman
3 100 Wilshire Blvd., Ste. 700
4 Santa Monica, CA 90401
5 (310) 917-1022
6 mike@employlegal.com

Attorneys for Plaintiff BREANNA NANCE

7 **SUPERIOR COURT OF THE STATE CALIFORNIA**

8 **COUNTY OF LOS ANGELES**

9 BREANNA NANCE,

10 Plaintiff,

11 v.

12 THE ACCELERATED SCHOOLS; and
13 DOES 1 through 20, inclusive,

14 Defendants.

CASE NO.: **19STCV24716**

COMPLAINT FOR:

1. Harassment in Violation of FEHA
2. Failure to Prevent Harassment in Violation of FEHA
3. Retaliation in Violation of FEHA
4. Discrimination in Violation of FEHA
5. Failure to Prevent Discrimination in Violation of FEHA

DEMAND FOR JURY TRIAL

15
16
17
18
19 Plaintiff BREANNA NANCE for its Complaint against THE ACCELERATED SCHOOLS; and
20 DOES 1 through 20, inclusive, hereby complains and alleges as follows:

21 **PARTIES, JURISDICTION AND VENUE**

22
23 1. Plaintiff Breanna Nance was at all times relevant to the matters alleged in this
24 complaint an individual with her residence in California.

25 2. Plaintiff is informed and believes and thereon alleges that the fictitiously-named
26 Defendants sued herein as Does 1 through 20 inclusive, and each of them, are in some manner
27 responsible for the occurrences, acts, and omissions alleged herein and that Plaintiff's damages were
28

1 proximately caused by their conduct. The true names and capacities of such fictitiously-named Doe
2 Defendants, whether individual, corporate, partnership, associate or otherwise, are presently
3 unknown to Plaintiff, and Plaintiff will seek leave of the Court to amend this Complaint to assert the
4 true names and capacities of such fictitiously-named Defendants when the same have been
5 ascertained. For convenience, each reference to the named Defendant herein shall also refer to Does
6 1 through 20, inclusive.

8 3. Plaintiff is informed and believes and thereon alleges that in committing certain acts
9 herein as alleged, some or all of the Defendants herein named were acting as the agents, joint ventures,
10 partners, representatives, subsidiaries, affiliates and/or employees of some or all of the other
11 Defendants, and that some or all of the conduct of such Defendants, as complained of herein, was
12 within the course and scope of such relationship.

14 4. Pursuant to Article VI, Section 10 of the California Constitution, subject matter
15 jurisdiction is proper in the Superior Court of California, County of Los Angeles.

16 5. Pursuant to Section 395 of the California Code of Civil Procedure, venue is proper in
17 the Superior Court of California for the County of Los Angeles, because the Defendant conducted
18 business in Los Angeles County.

20 **FACTUAL BACKGROUND**

21 6. Defendant subjected its employee, Plaintiff, to a hostile work environment on the basis
22 of racial harassment (including slurs, negative comments about African American people, comments
23 about Plaintiff's skin color, and other derogatory comments based on race) from Defendant's students,
24 which Plaintiff opposed and complained about.

1 7. Defendant subjected Plaintiff to retaliation for her complaints and disparate treatment
2 on the basis of her race/color through exclusion, inferior terms and conditions of employment, and
3 failure to prevent harassment.

4 8. Plaintiff has filed a charge with and received a right-to-sue notice from the Department
5 of Fair Employment and Housing.
6

7 **FIRST CAUSE OF ACTION**
8 **(Harassment in Violation of FEHA)**
9 **(Against All Defendants)**

10 9. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as
11 though fully set forth herein.

12 10. Defendants' actions constitute harassment in violation of the Fair Employment and
13 Housing Act ("FEHA").

14 11. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
15 and continues to suffer a loss in earnings and other employment benefits according to proof at time
16 of trial.
17

18 12. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
19 humiliation, emotional distress and mental pain and anguish all to her damage in an amount according
20 to proof at trial.

21 13. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or
22 conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.
23

24 **SECOND CAUSE OF ACTION**
25 **(Failure to Prevent Harassment in Violation of FEHA)**
26 **(Against All Defendants)**

27 14. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as
28 though fully set forth herein.

1 15. Defendants' knew or should have known about its harassment toward Plaintiff and
2 failed to prevent it.

3 16. Defendants' actions constitute failure to prevent harassment in violation of the Fair
4 Employment and Housing Act ("FEHA").

5 17. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
6 and continues to suffer a loss in earnings and other employment benefits according to proof at time
7 of trial.

8
9 18. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
10 humiliation, emotional distress and mental pain and anguish all to her damage in an amount according
11 to proof at trial.

12
13 19. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or
14 conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.

15 **THIRD CAUSE OF ACTION**
16 **(Retaliation in Violation of FEHA)**
17 **(Against All Defendants)**

18 20. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as
19 though fully set forth herein.

20 21. Defendants' actions constitute retaliation in violation of the Fair Employment and
21 Housing Act ("FEHA").

22 22. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
23 and continues to suffer a loss in earnings and other employment benefits according to proof at time
24 of trial.
25
26
27
28

1 23. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
2 humiliation, emotional distress and mental pain and anguish all to her damage in an amount according
3 to proof at trial.

4 24. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or
5 conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.
6

7 **FOURTH CAUSE OF ACTION**
8 **(Discrimination in Violation of FEHA)**
9 **(Against All Defendants)**

10 25. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as
11 though fully set forth herein.

12 26. Defendants' actions constitute discrimination in violation of the Fair Employment and
13 Housing Act ("FEHA").

14 27. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
15 and continues to suffer a loss in earnings and other employment benefits according to proof at time
16 of trial.

17 28. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
18 humiliation, emotional distress and mental pain and anguish all to her damage in an amount according
19 to proof at trial.

20 29. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or
21 conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.
22

23 **FIFTH CAUSE OF ACTION**
24 **(Failure to Prevent Discrimination in Violation of FEHA)**
25 **(Against All Defendants)**

26 30. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as
27 though fully set forth herein.
28

31. Defendants' knew or should have known about its discrimination toward Plaintiff and failed to prevent it.

32. Defendants' actions constitute failure to prevent discrimination in violation of the Fair Employment and Housing Act ("FEHA").

33. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered and continues to suffer a loss in earnings and other employment benefits according to proof at time of trial.

34. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered humiliation, emotional distress and mental pain and anguish all to her damage in an amount according to proof at trial.

35. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For payment of earned wages, withheld earnings, and other damages according to proof in an amount to be ascertained at trial;

2. For payment of all statutory obligations and penalties as required by law;

3. For penalties, special damages, compensatory, and general damages in an amount to be proven at trial;

4. For punitive damages as allowed by law;

5. Loss of income incurred and to be incurred according to proof;

6. For reasonable attorneys' fees by statute and contract;

7. For costs of suit incurred herein;

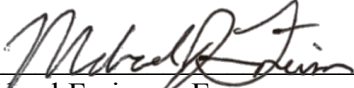
8. For interest provided by law:

9. All damages and penalties pursuant to Labor Code;

- 1 10. For restitution and other equitable relief; and
2 11. For such other and further relief as the court deems just and proper.

3 Dated: July 13, 2019

By: LAW OFFICE OF MICHAEL FREIMAN

4 
5 Michael Freiman, Esq.


6 Attorney for Plaintiff Breanna Nance

7 **DEMAND FOR JURY TRIAL**

8
9 Plaintiff Breanna Nance demands a jury trial.

10 Dated: July 13, 2019

By: LAW OFFICE OF MICHAEL FREIMAN

11 
12 Michael Freiman, Esq.

13 Attorney for Plaintiff Breanna Nance